

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-670-2025 (O&M)

Yogesh Saini & Anr. ... Petitioners

VS.

State of Haryana & Ors. ... Respondents

1.	Judgment reserved on	11.03.2026
2.	Judgment pronounced on	23.04.2026
3.	Judgment uploaded on	24.04.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Dr. Rishi Pal Singh, Advocate for the petitioners

Mr. Deepak Balyan, Addl. AG Haryana

Sandeep Moudgil, J.

Prayer

(1). The present petition has been filed under Articles 226/227 of Constitution of India praying for issuance of a writ in the nature of mandamus directing the respondents to release interest @ 18% p.a. on the delayed payment of pensionary benefits and family pension in respect of the deceased father of petitioner No.1 and husband of petitioner No.2 which was illegally retained by the respondents and to release the litigation expenses to the petitioners.

Facts

(2). The father of petitioner No.1 and respondent No.5 and husband of petitioner No.2, late Sh. Ved Parkash, was serving as Store Purchase Officer with respondent No.4 and died in harness on 12.08.2014. The petitioners thereafter made repeated applications, and respondent No.5 obtained a Succession Certificate in Civil Suit No.24 of 2014 vide orders dated 02.05.2017

and 06.07.2017 directing release of 1/3rd share each and FDR of petitioner No.2's share, yet despite petitioner No.1 submitting all requisite documents including representations dated 16.09.2019 and 19.01.2023 and obtaining orders regarding custody and care of petitioner No.2 (in CRWP No.61 of 2020) as well as compromise-based disposal of guardianship proceedings in which petitioner No.2 herself stated before the Additional District Judge, Karnal, on 18.10.2022 that she is in good health and wishes to reside with petitioner No.1 and has no objection to her pensionary and other benefits being routed through him, respondents No.1 to 4 have failed to release family pension and the 1/3rd share of petitioner No.2 and have illegally retained the same till date.

(3). Hence this writ petition.

Petitioners' contentions

(4). Learned counsel for the petitioner contend that family pension is a welfare measure payable to the surviving spouse and eligible children and does not form part of the estate of the deceased so as to require a succession certificate where heirship is undisputed, and therefore the official respondents cannot lawfully withhold family pension and other retiral dues of late Ved Parkash in the face of admitted relationship and status of petitioner No.2 as widow and petitioner No.1 as her son and caretaker.

(5). It is asserted that once a competent civil court has determined 1/3rd shares of the parties in the estate and directed that the share of petitioner No.2 be kept in FDR, and once petitioner No.2 has voluntarily deposed before the District Judge that she is in good health, wishes to live with petitioner No.1 and has no objection to all benefits being released to her through him,

respondents are bound to honour these judicial determinations and cannot sit in appeal over them by refusing to process and release the dues.

(6). It is further contended that the continuing non-release and illegal retention of the family pension and 1/3rd share of petitioner No.2 despite clear court orders and repeated representations is arbitrary, unreasonable and violative of Articles 14 and 21 of the Constitution, warranting issuance of an appropriate writ directing respondents No.1 to 4 to release all pending service and pensionary benefits of late Ved Parkash, including family pension and the share of petitioner No.2, along with interest.

Respondents counter

(7). Based on the averments made in the written statement filed by respondent No.4, learned State counsel submits that pursuant to the repeated representations of petitioner No.1, Yogesh Saini (son of deceased Ved Parkash Saini), the competent authority has already considered the claim and, vide order dated 26.04.2024, had sanctioned the entire share of service benefits and pension of petitioner No.2 (Smt. Kaushal Saini wife of deceased Ved Parkash Saini) to be disbursed through petitioner No.1, followed by letter dated 02.05.2024 calling upon petitioner No.2 to appear in person and furnish requisite documents and thereafter on 26.07.2024, and submission of all required documents, the case was processed, necessary approval was obtained from respondent No.3, and the full 1/3rd share of petitioner No.2 in all service/retiral dues, namely leave encashment, arrears of pay, GIS amounts, gratuity, GPF etc., was duly released to petitioner No.2 through petitioner No.1 under various vouchers and enhanced family pension is also being paid to petitioner No.2 w.e.f. 01.06.2015 through petitioner No.1 and thus, all

admissible dues stand paid in compliance with the civil court orders dated 02.05.2017, 03.09.2022 and 03.01.2023.

(8). It is further averred that in terms of Rule 79 of the Haryana Civil Services (Pension) Rules, 2016, no interest is payable where pension and death-cum-retirement gratuity are authorised within the stipulated period from the date the prescribed procedure is complied with by the family of the deceased, and in the present case any delay that occurred is attributable solely to the failure of petitioner No.1, petitioner No.2 and respondent No.5 to furnish complete documents in time, for which the officials respondents cannot be saddled with liability to pay interest. The respondents also submit that the petitioners have concealed material facts regarding their own default in timely submission of documents and are misusing the writ jurisdiction to claim interest contrary to Rule 79, and in view of the law laid down by the Supreme Court in **Mahanagar Telephone Nigam Limited v. State of Maharashtra & others, 2013(9) SCC 92**, a litigant who suppresses or conceals material facts is not entitled to any discretionary relief and as such, the present writ petition is liable to be dismissed.

(9). Heard learned counsel for the parties and the judgment was kept reserved on 11.03.2026.

Analysis

(10). On a careful consideration of the chequered factual history and the applicable law, the Court's focus has to be on (i) who was entitled to the retiral benefits and family pension of late Ved Parkash, and (ii) can the respondents be held liable to pay interest on delayed release of retiral dues and, if so yes, from which date.

(11). It is not in dispute that late Ved Parkash died in harness on 12.08.2014 leaving behind his widow (petitioner No.2), son (petitioner No.1) and daughter (respondent No.5), who are his Class-I legal heirs under the Hindu Succession Act. From that date, family pension in favour of petitioner No.2 arose under the service rules, and the civil court, by order dated 02.05.2017 and Succession Certificate dated 06.07.2017 in Petition No.24 of 2014, further recognised each of them as entitled to 1/3rd share in the service benefits. However, that very order directed that the widow's 1/3rd share be kept in an FDR in a nationalised bank and restrained the respondent No.5/applicant therein (daughter) from operating the account without a proper guardianship declaration.

(12). The office of respondent No.4 was simultaneously faced with the daughter's own assertion that the mother was mentally ill and admitted in Pingla Ashram for three years and as such, the legal heirs' failure to furnish complete documents and proof until 2017, and subsequent cross-litigation under the Mental Health Act, 1987 between the son and the daughter on the question as to who should be appointed the guardian of the widow. In this backdrop, the department's decision to release, step by step, the 1/3rd shares of the son and daughter upon complete documentation, while withholding *pendent lite* the petitioner No.2/widow's share pending a clear resolution of guardianship and mental capacity, cannot be said to be wholly unfounded.

(13). That legal and factual uncertainty continued until the settlement dated 25.08.2022 and, more crucially, the orders dated 03.09.2022 and 03.01.2023 passed by the Additional District Judge, Karnal. By these, both rival guardianship petitions were closed on the basis of a mediation

proceedings wherein the petitioner No.2 herself appeared in Court on 18.10.2022 and categorically stated that she was in good health, wanted to reside with her son Yogesh, and had no objection to all pensionary and other benefits being provided to her through him and therefore, respondent No.5, in the settlement, also recorded her no objection to release of all benefits of late Ved Parkash to their mother through petitioner No.1. Once this position crystallised and the guardian-competency cloud was removed, petitioner No.1 submitted representations dated 19.01.2023 and 23.01.2023 enclosing the ADJ's order seeking release of the withheld share of petitioner No.2.

(14). Thereafter, respondent No.4 issued order dated 26.04.2024 sanctioning grant of petitioner No.2's share of service benefits and pension through petitioner No.1, called her for production of documents on 02.05.2024, obtained her personal appearance and documents on 26.07.2024, and then released the retiral dues under various vouchers in August–October 2024, as well as enhanced family pension with effect from 01.06.2015.

(15). The more contentious issue is whether the petitioners are entitled to interest for delayed payment for the period from 19.01.2023 till 02.08.2024 when the leave encashment was released.

(16). Rule 79 of the Haryana Civil Services (Pension) Rules, 2016 (in short, 'the 2016 Rules') provides that no interest is payable if pension and death-cum-retirement gratuity are authorised within a certain period from the date the prescribed procedure is complied with by the family of the deceased and where delay occurs, the entitlement to interest is regulated by whether the delay is attributable to the department or to the employee/family. At the same time, there is a consistent line of decisions holding that pension and family

pension are not bounties, but a property/right of the retiree or family protected under Article 300A, and that where the authorities unjustifiably withhold or delay such payments, courts may award interest and, in egregious cases, costs.

Rule 70(1) of the 2016 Rules read as under:-

“79. Interest on delayed payment of pension and death-cum-retirement gratuity.—

(1) No interest shall be payable if the payment of pension and/or death-cum-retirement gratuity of superannuation retirement have been authorized within three months and in other kind of retirement within six months from the date of retirement or from the date the procedure laid down in this chapter is complied with by the retiring Government employee/family of deceased Government employee, whichever is later. Where the pensionary benefits are authorised after the prescribed period and the delay in authorization was attributable to administrative lapse, simple interest as of General Provident Fund beyond the prescribed period shall be paid. However, no interest shall be paid where the delay in authorization has been caused due to failure on the part of the retiring Government employee or the family of deceased or disappeared Government employee to comply with the procedure laid down in this chapter.”

(17). On the facts here, however, the civil court itself directed that the widow's share be kept in an FDR and made its operation conditional on guardianship orders, and that direction was coupled with the daughter's own plea that the widow was mentally ill. This produced a qualitatively different scenario from a simple widow against department dispute, because the respondent-Department was faced with conflicting positions of the legal heirs and operative judicial orders regarding how the widow's share was to be handled.

(18). Looking at the timeline, the Court is of the view that the delay cannot be painted with a single brush. The period from August, 2014 up to at least the final compromise and order dated 03.01.2023 is marked by incomplete

and belated submission of documents by the heirs, admitted mental-health allegations against the petitioner No.2, an order of the civil court requiring FDR and guardianship, and active cross-litigation under the Mental Health Act between the son and the daughter as to who should control the petitioner No.2's affairs. In such circumstances, the department's reluctance to release the widow's share without a clear judicial mandate and proper documentation cannot be characterised as wholly unjustified or mala fide so as to automatically attract interest over the entire period.

(19). However, there is a further gap between January 2023 and the eventual sanction order of 26.04.2024, call letter of 02.05.2024, appearance on 26.07.2024 and disbursements in August–October 2024. While some reasonable processing time is inevitable, an overall delay of more than a year after 03.01.2023, particularly in a matter affecting a widow's livelihood, cannot be entirely condoned, and the protection of Rule 79 of the 2016 Rules cannot be stretched to the point of depriving her of any interest at all for that phase.

(20). This Court is of the opinion that arrears of salary and retiral benefits cannot be arbitrarily withheld by the State and in case of delayed payment thereof, the employee is entitled to compensatory interest. In ***“State of Kerala v. M. Padmanabhan Nair, (1985) 1 SCC 429”***, the Supreme Court held that pension and gratuity are no longer a bounty and that culpable delay in their disbursement must be visited with payment of interest. Relevant extract of the same is as under:

“ Pension and gratuity are no longer any bounty to be distributed by the Government to its employees on their retirement but have become, under the decisions of this Court, valuable rights and

property in their hands and any culpable delay in settlement and disbursement thereof must be visited with the penalty of payment of interest at the current market rate till actual payment.

*2. Usually the delay occurs by reason of non-production of the L.P.C. (Last Pay Certificate) and the N.L.C. (No Liability Certificate) from the concerned Departments but both these documents pertain to matters, records whereof would be with the concerned Government Departments. Since the date of retirement of every Government servant is very much known in advance **we fail to appreciate why** the process of collecting the requisite information and issuance of these two documents should not be completed atleast a week before the date of retirement so that the payment of gratuity amount could be made to the Government servant on the date he retires or on the following day and pension at the expiry of the following month. The necessity for prompt payment of the retirement dues to a Government servant immediately after his retirement cannot be over-emphasised and it would not be unreasonable to direct that the liability to pay penal interest on these dues at the current market rate should commence at the expiry of two months from the date of retirement”*

(21). Similarly, in “**S.K. Dua v. State of Haryana, (2008) 3 SCC 44**”, it was held by the Apex court that even in the absence of statutory rules, an employee is entitled to claim interest on delayed payment under Articles 14 and 21 of the Constitution, while observing that

*“The fact remains that proceedings were finally dropped and all retiral benefits were extended to the appellant. But it also cannot be denied that those benefits were given to the appellant after four years. In the circumstances, prima facie, **we are of the view that** the grievance voiced by the appellant appears to be well-founded that he would be entitled to interest on such benefits. If there are Statutory Rules occupying the field, the appellant could claim payment of interest relying on such Rules. If*

there are Administrative Instructions, Guidelines or Norms prescribed for the purpose, the appellant may claim benefit of interest on that basis. But even in absence Statutory Rules, Administrative Instructions or Guidelines, an employee can claim interest under Part III of the Constitution relying on Articles [14](#), [19](#) and [21](#) of the Constitution. The submission of the learned counsel for the appellant, that retiral benefits are not in the nature of 'bounty' is, in our opinion, well-founded and needs no authority in support thereof. In that view of the matter, in our considered opinion, the High Court was not right in dismissing the petition in limine even without issuing notice to the respondents.”

(22). Furthermore, in “**D.D. Tewari (D) through LRs v. Uttar Haryana Bijli Vitran Nigam Ltd., (2014) 8 SCC 894**”, the Supreme Court reiterated that denial of timely payment of lawful dues warrants award of interest as compensation, while categorically holding that,

“4. It is an undisputed fact that the appellant retired from service on attaining the age of superannuation on 31.10.2006 and the order of the learned single Judge after adverting to the relevant facts and the legal position has given a direction to the employer-respondent to pay the erroneously withheld pensionary benefits and the gratuity amount to the legal representatives of the deceased employee without awarding interest for which the appellant is legally entitled, therefore, this Court has to exercise its appellate jurisdiction as there is a miscarriage of justice in denying the interest to be paid or payable by the employer from the date of the entitlement of the deceased employee till the date of payment as per the aforesaid legal principle laid down by this Court in the judgment referred to supra. We have to award interest at the rate of 9% per annum both on the amount of pension due and the gratuity amount which are to be paid by the respondent.”

(23). In view of the above discussion, this writ petition is partly allowed and considering Rule 79 of the 2016 Pension Rules and the prolonged

intra-family disputes and guardianship litigation, the petitioners are not entitled to interest for the entire period from 2014 onwards.

(24). However, in order to mark the State’s obligation to deal with pensionary claims of a widow with due promptitude once legal impediments have ceased, the Court deems it appropriate to award to petitioner No.2 interest at the rate of 6% per annum on the net amount of her service benefit share (excluding family pension instalments) reckoning the date of passing of the judgment by ADJ, Karnal directing to release the petitioner No.2’s i.e. w.e.f. 03.01.2023 till its realisation.

(25). The respondents shall calculate and release the aforesaid interest to petitioner No.2, through petitioner No.1 as per the ADJ’s order, within a period of one month from today and if there is any residual admissible amount of retiral dues or family pension that has, for any reason, remained unpaid, the same shall also be verified and released within the same period.

(26). Pending applications stand disposed of accordingly.

23.04.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No